IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 3822 (S/S) of 2001
Old No.
(Writ Petition No. 25473 of 1990)

Babu Singh Chauhan,
Son of Sri Prem Singh Chauhan,
Resident of Ambedkar Nagar Jwalapur,
Haridwar,
District – Haridwar. **…….Petitioner.**

Versus.

1. Chairman Nagar Palika, Haridwar, District - Haridwar.
2. Executive Officer, Nagar Palika, District - Haridwar.
3. Secretary Local Bodies, U.P., Lucknow.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Kohli, learned counsel for the petitioner and Sri Pankaj Miglani learned counsel for the respondents.

By means of Resolution dated 24.08.1990 passed by the Board of Nagar Palika, Haridwar, services of the petitioner, who was working as Draftsman, were terminated. Aggrieved by the termination order, petitioner has filed a writ petition in the year 1990 before Allahabad High Court and Allahabad High Court after admitting the writ petition on 09.10.1990 has passed an order that services of the petitioner shall not be terminated in pursuance of the Resolution dated 24.08.1990.

Learned counsel for the petitioner has submitted that no opportunity of hearing or to show cause was ever given to the petitioner regarding termination of his services. In the Board meeting, all of a sudden, a Resolution was passed to the extent that petitioner's services are terminated, which is in violation of principle of natural justice. However, in pursuance to the order dated 09.10.1990 passed by Allahabad High Court, the petitioner was reinstated in service and thereafter, his services were regularized and further, he has been grnated promotion.

It is not disputed that no opportunity of hearing or to show cause was given to the petitioner prior to passing the termination order.

In view of the aforesaid facts and circumstances, Resolution dated 24.08.1990, passed by the Board, Nagar Palika to the extent that services of the petitioner are terminated, is quashed.

Writ petition is allowed. No order as to costs.

(M.M. Ghildiyal, J.)

July 28, 2005
SKSharma